

United States of America

v.

Michael Avenatti

S1 19 Cr. 373 (PGG)

“Avenatti: Have you ever held the balls of the client in your hand where you can take 5, 6 billion dollars in market cap off of ‘em?”

(GX 2T: 23)

“Avenatti: Have you ever held the balls of the client in your hand where you can take 5, 6 billion dollars in market cap off of ‘em?”

(GX 2T: 23)

“Avenatti: I don’t think that it makes any sense for Nike to be paying, um, an exorbitant sum of money to Mr. Franklin, in light of his role in this.

Wilson: Okay

Avenatti: I mean, imagine that.”

(GX 2T: 19-20)

“Avenatti: I don’t think that it makes any sense for Nike to be paying, um, an exorbitant sum of money to Mr. Franklin, in light of his role in this.

Wilson: Okay

Avenatti: I mean, imagine that.”

(GX 2T: 19-20)

1. The defendant threatened to harm Nike if Nike did not hire him.
2. The defendant did not tell Gary Franklin what he was doing.

Avenatti Threatened Nike

“Avenatti: I’m not fucking around with this, and I’m not continuing to play games. And I don’t-you know, this isn’t complicated. You guys know enough now to know you’ve got a serious problem. And it’s worth more in exposure to me to just blow the lid on this thing. A few million dollars doesn’t move the needle for me. I’m just being really frank with you. So if that’s what, if that’s what is being contemplated, then let’s just say it was good to meet you, and we’re done. And I’ll proceed with my press conference tomorrow and I’ll hang up with you now and I’ll call the New York Times, who are awaiting my call. I-I’m not fucking around with this thing anymore.”

(GX 1T: 4-5)



Avenatti Threatened Nike

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(GX 1T: 4-5)



Avenatti Threatened Nike

“Avenatti: And I’ll go and I’ll go take and I’ll go take ten billion dollars off your client’s market cap. But I’m not fucking around.”
(GX 1T: 5)



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Avenatti Threatened Nike

“Avenatti: No, this is not me pounding my chest, or any of that shit. I’m just gonna, this is, I’m just gonna have a very real discussion with you, that this is what happens every time, okay? As soon as this becomes public, I’m gonna receive calls from all over the country, from parents, and coaches, and friends, and all kinds of people, because this is always what happens - and they’re all going to say, “I’ve got an email, or text message or – now. 90% of that is gonna be bullshit. Cause it’s always bullshit 90% of the time. Always. Whether it’s R. Kelly, or Trump, or the list goes on and on. But 10% of it is actually going to be true. And then what’s gonna happen is, this will snowball. And then it will be 5 players, and then it will be 9, and then it will be 15, and then it will be 25, and it’s gonna snowball - and every time we get more information, that’s gonna be The Washington Post, The New York Times, ESPN, a press conference – and the company will die, not die, but they’re going to incur, cut after cut after cut after cut, and that’s what’s gonna happen. As soon as this thing becomes public. So, it is in the company’s best interest to avoid this becoming public...”

(GX 2T: 26-27)

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Avenatti Demanded to Be Hired and Paid

“Avenatti: Well Scott, I mean look, I I just, I mean we’re gonna get a million five for our guy, and we’re gonna be hired to handle the internal investigation, and if you don’t wanna do that, we’re done.”

(GX 1T: 4)



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“Avenatti: ...12 million dollar retainer upon signing Evergreen. Um, that’s gonna be deemed earned when paid, we’ll cap it at 25 million dollars, minimum of 15 million dollars, unless the scope changes.”

(GX 2T: 14)

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(GX 2T: 14)

Three Simple Reasons You Know the Defendant Is Guilty

1. The Defendant's Own Words
2. Gary Franklin's Testimony
3. Common Sense

Avenatti's Own Words

“Avenatti: I’m not fucking around with this, and I’m not continuing to play games. And I don’t-you know, this isn’t complicated. You guys know enough now to know you’ve got a serious problem. And it’s worth more in exposure to me to just blow the lid on this thing. A few million dollars doesn’t move the needle for me. I’m just being really frank with you.”
(GX 1T: 14)



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(GX 1T: 14)



Avenatti's Own Words

“Avenatti: So if you guys think that you know, we’re gonna negotiate a million five, and we’re gonna, you’re gonna hire us to do an internal investigation, but it’s gonna be capped at 3 or 5 or 7 million dollars, like let’s just be done.”

(GX 1T: 5)



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(GX 2T: 19-20)

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“Avenatti: Have you ever held the balls of the client in your hand where you can take 5, 6 billion dollars in market cap off of ‘em?”

(GX 2T: 23)

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(GX 2T: 23)

Avenatti's Own Words

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K1UMAVE2 Wilson - Direct

1 that point, do you recall what Mr. Avenatti said?

2 A. I don't recall if he used the word special or unique, but

3 he said that the day we were meeting or the next day, it was

4 the next day, the day of the press conference, it was unique or

5 important or special to him for two reasons.

6 Q. Did he explain what those reasons were?

7 A. He did.

8 Q. What were they?

9 A. He said that this was an important date because it was on

10 the eve of March Madness and it was on the eve of a Nike

11 earnings call.

12 Q. What is March Madness?

13 A. March Madness is one of the most watched sporting events of

14 the year. It is an annual competition of college basketball

15 teams.

16 Q. What did you understand the significance to be, if any, of

17 the fact that March Madness was starting?

18 A. My understanding is that many of Nike's customers were

19 interested in basketball, would be really intense and focused

20 on basketball, about news around basketball at that time in

21 March.

22 Q. And what was the second reason that day was significant or

23

24

25

Avenatti's Own Words

K25dave2 Leinwand - direct 1166

1 so, first of all, consumers could be affected by his press
2 conference alleging that we were doing the same thing that
3 Adidas was doing, and people would decide not to buy our

10 A. He said -- because the NCAA basketball tournament was
11 coming up, and I believe it was that Thursday -- I think it
12 always starts on a Thursday or Wednesday -- and because our
13 conference call with investors was coming up, our earnings
14 call, where we talk about how the company was doing, it created
15 this unique opportunity for him to do sort of the most damage
16 to the company, and so he wasn't going to let that opportunity
17 for his -- for him to do that simply go by. And so we had to
18 give him an answer that day because of all of these things
19 coming together for him to do the maximum damage to the
20 company.

24 Q. What do you recall him saying about the demand that he be
25 hired in the March madness tournament?

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Robert Leinwand, Tr. 1166

Avenatti's Own Words

1422

K269AVE2 Homes - Direct

1 A. I have.

2 Q. Did that help you to prepare?

3 A. Yes. It refreshed my recollection.

4 Q. Does that mean you now remember precisely what was said by

5 everyone in the meeting?

6 A. No.

7 Q. Do you recall what occurred in substance in the meeting?

20 A. He said that it was going to be a unique day for him and he

21 listed three reasons. He said first it was the day before the

22 start of the NCAA basketball tournament. He said it was the

23 day before Nike's earnings call. And he said it was the day he

24 was prepared to blow this thing open.

20 A. He said that it was going to be a unique day for him and he

21 listed three reasons. He said first it was the day before the

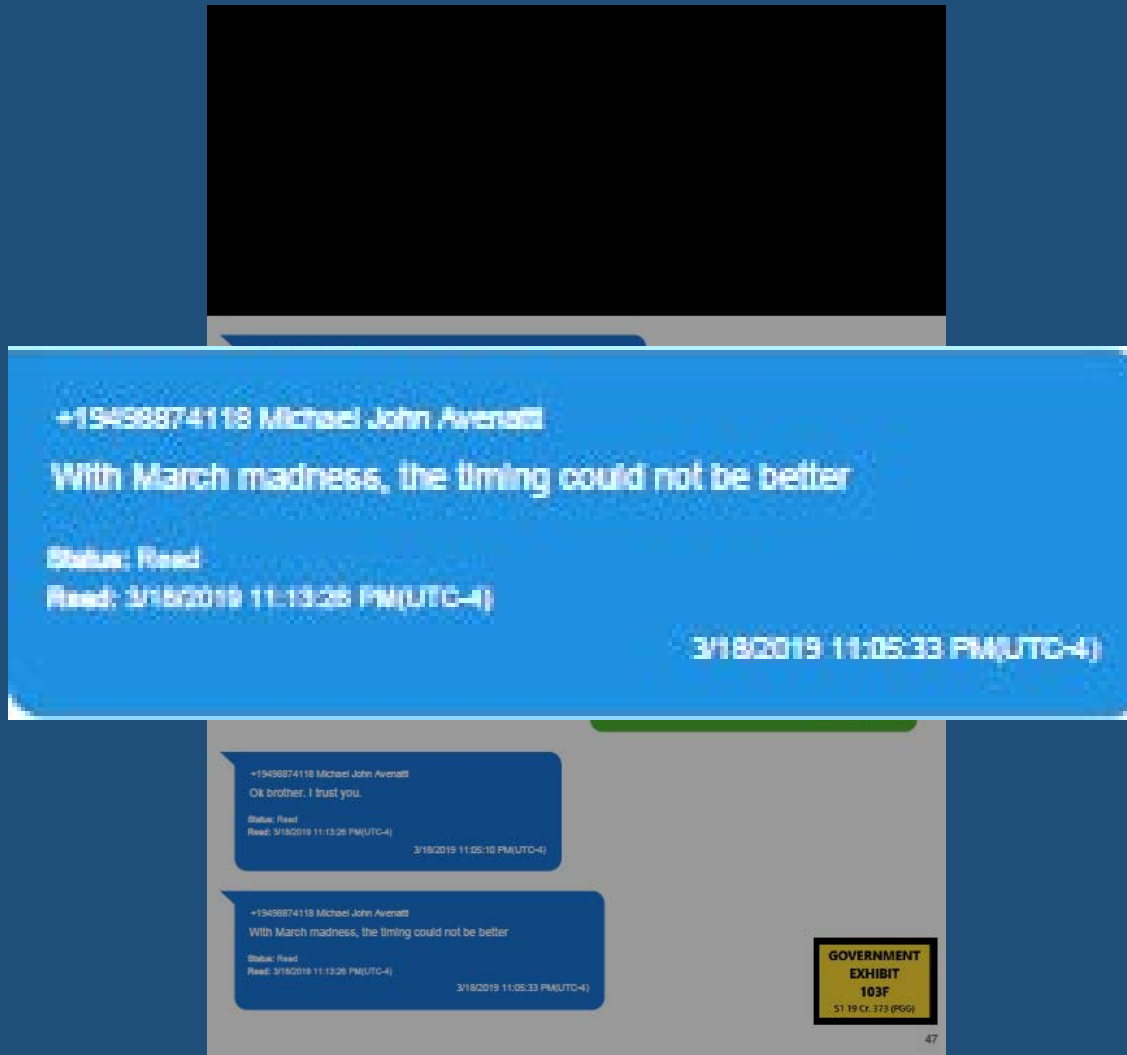
22 start of the NCAA basketball tournament. He said it was the

23 day before Nike's earnings call. And he said it was the day he

24 was prepared to blow this thing open.

25 Q. Let me just pause for a second. Did you say he said it was

Avenatti's Own Words



Avenatti's Own Words

K1VMAVE1 Wilson - Cross 501

1 Mr. Avenatti was urged to delay the press conference because it
2 could hurt the reputation of the case.

3 A. After we tried to make the point that the general counsel
4 with whom we needed to consult was not immediately available,
5 because she was five or six hours ahead in Europe, and that was
6 not -- didn't seem to be resonating, I said to Mr. Avenatti
7 that he might not care about the company, he might not care
8 about us, but that there was another group of people who might
9 be affected by him going forward with the press conference the

22 he delay the press conference. I said he might be damaging the
23 future careers of these kids. I recall him responding: I
24 don't give a fuck about these kids or I don't give a shit about
25 these kids. That was burned in my memory.

19 about it, you have a fair point about tarnishing their
20 reputation if they didn't really know?

21 A. That's not how I recall him responding to my request that
22 he delay the press conference. I said he might be damaging the
23 future careers of these kids. I recall him responding: I
24 don't give a fuck about these kids or I don't give a shit about
25 these kids. That was burned in my memory.

Avenatti's Own Words

K25dave2 Leinwand - direct 1170

1 A. He basically said, you know, you could make these decisions

2 right away. There are telephones. You could call the general

8 A. At some point, you know, he was basically saying, you know,

9 you know, you can call her wherever she is. And then I said,

10 and as Scott said, well, you know, there is also kids involved

11 in this. Michael, you have to understand, there are kids

12 involved, and if you act, it could damage these kids. And I

13 think Scott was referring to the basketball players who were

14 involved, or high school basketball players, some of which go

15 on to play in college, some don't.

16 And Mr. Avenatti said, I don't give a fuck about those

17 kids. You have kids. I have kids. You know, those kids, you

18 know, they made their choices. You know, we need to get this

19 done now.

25 use your phrase?

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Robert Leinwand, Tr. 1170

Avenatti's Own Words

K269AVE4 Homes - Redirect 1506

1 MR. H. SREBNICK: That's all I have, judge.

2 THE COURT: All right. Redirect.

3 REDIRECT EXAMINATION

4 BY MR. RICHENTHAL:

5 Q. Speaking of expletives, you recall Mr. Srebnick asking you

15 A. He said I don't give a shit about the kids, Scott's request

16 to think about the kids.

17 Q. And when there was a back and forth about maybe they didn't

18 know about payments, then what did Mr. Avenatti say?

14 Q. What did he say?

20 Q. I'll rephrase. Did he express a concern about what might

21 happen if there was delay?

22 A. Yes.

23 Q. What did he say?

24 A. He said that the delay would fuck him and Mr. Geragos.

24 A. He said that the delay would fuck him and Mr. Geragos.

25 Q. Mr. Homes, fuck him and Mr. Geragos or fuck Mr. Franklin?

Avenatti's Own Words

K26dave5 Franklin - direct 1537

1 A. I didn't want to make it public because I didn't want to,
2 you know, hurt Nike's reputation, didn't want to hurt any of
3 the kids' reputations or the parents. I didn't want to hurt my
4 reputation or the program's reputation.
5 Q. And, generally, what experiences are you thinking about as
6 I'm asking these questions?
7 A. Can you repeat that?
8 Q. Yes. What specifically would you not want to be public at

1 A. I didn't want to make it public because I didn't want to,
2 you know, hurt Nike's reputation, didn't want to hurt any of
3 the kids' reputations or the parents. I didn't want to hurt my
4 reputation or the program's reputation.

19 MR. S. SREBNICK: Objection.
20 THE COURT: Sustained.
21 Q. At the time you reached out to the defendant, what, if any,
22 contacts did you have in the media?
23 MR. S. SREBNICK: Objection. Relevance.
24 THE COURT: Overruled.
25 A. Can you repeat the request?

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Gary Franklin, Tr. 1537

Avenatti's Own Words

“Avenatti: I don't wanna hear about somebody on a bike trip, I don't wanna hear that somebody has, somebody's grandmother passed away or something, I don't- look - the dog ate my homework, I don't wanna hear, none of it is gonna go anywhere unless somebody was killed in a plane crash. It's going to go zero, no place with me.”

(GX 2T: 29)

Avenatti's Own Words

“Avenatti: I don't wanna hear about somebody on a bike trip, I don't wanna hear that somebody has, somebody's grandmother passed away or something, I don't- look - the dog ate my homework, I don't wanna hear, none of it is gonna go anywhere unless somebody was killed in a plane crash. It's going to go zero, no place with me.”

(GX 2T: 29)

What Avenatti Did Not Say

- Complaint
- Lawsuit

Avenatti Did Not Threaten a Lawsuit

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
UNITED STATES OF AMERICA :

- v. - :

MICHAEL AVENATTI, :

STIPULATION REGARDING
CERTAIN DOCUMENTS AND
ITEMS

S1 19 Cr. 373 (PGG)

2. If called to testify, a Special Agent with the Federal Bureau of Investigation would testify that no document purporting to be a draft complaint or lawsuit on behalf of Gary Franklin or California Supreme was found in the Avenatti Briefcase.

at approximately 12:39 p.m. Eastern time, in New York, New York, law enforcement agents obtained documents and an Apple MacBook Pro laptop computer (the "Avenatti Computer") from

3. If called to testify, a Forensic Examiner with the Federal Bureau of Investigation would testify that no document purporting to be a draft complaint or lawsuit on behalf of Gary Franklin or California Supreme was found on the Avenatti Computer.

Three Simple Reasons You Know the Defendant Is Guilty

1. The Defendant's Own Words
2. Gary Franklin's Testimony
3. Common Sense

Franklin Wanted Avenatti to Help Him

K26dave5 Franklin - direct 1536

1 Q. At the time Mr. Auerbach reached out to the defendant, did
2 you want the defendant to be your lawyer?
3 A. Yes.
4 Q. Why did you want the defendant to be your lawyer?
5 A. Well, I felt that I needed an attorney. When we had a
6 conversation -- when Jeff had spoke to Mr. John Slusher, he
7 referred us to some outside counsel, some outside attorneys.
8 So at that time Jeff said, hey, I'm not an attorney, so, you
9 know, we should probably look into getting an attorney. So

16 A. I just thought he was a good attorney, a good lawyer, and,
17 you know, thought that he could go in, you know, represent my
18 case.

18 case.
19 Q. Who, if anyone, told you things about the defendant?
20 A. Jeff told me about Mr. Avenatti.
21 Q. At that time, were you interested in making your
22 experiences with Nike public?
23 A. No, not at all.
24 Q. Why did you not want to make your experiences with Nike
25 public at that time?

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Gary Franklin, Tr. 1536

Franklin Wanted Avenatti to Help Him

K26dave5 Franklin - direct 1541

1 that meeting about what the payments you had made were for?

2 A. No.

3 Q. Do you know, sitting here today, what those payments were

4 for?

5 A. No.

17 A. Well, like I said, Jeff was doing most of the talking. And

18 at one point Mr. Avenatti, you know, said, Hey, you know, what

19 are you looking for and what do you want? So, you know, I kind

20 of just, you know, reiterated what I wanted, what Jeff had

21 said, which is my team back, have Jamal James and Carlton

22 DeBose fired, and also let me have some, you know, some sort of

23 restitution for, you know, some of the -- what I've lost, the

24 years, and also, you know, get me covered.

22 DeBose fired, and also let me have some, you know, some sort of

23 restitution for, you know, some of the -- what I've lost, the

24 years, and also, you know, get me covered.

25 Q. What do you mean by "covered"?

Franklin Wanted Avenatti to Help Him

K26dave5 Franklin - direct 1542
1 A. Get me covered as far as like some whistleblower or

9 Q. Of the things that you told the defendant you wanted from
10 Nike, what, if anything, did you communicate to the defendant
11 was the most important thing that you wanted?

12 A. Get my team back.

13 Q. Why was that the most important thing to you?

14 A. It's just something that I, you know, I started, I built
15 from, you know, just from the ground. I worked real hard in
16 doing it and maintaining it as something I really love doing,
17 and just real passionate about helping, you know, helping kids.
18 And, you know, I created, I thought -- you know, I created a
19 brand and a basketball program where people, you know, kids can
20 come in and play basketball and have someplace to play. That
21 meant -- that meant a lot to me.

Avenatti Did Not Tell Franklin About His Scheme

K26dave5

Franklin - direct

1553

10 Q. At that meeting, what, if anything, did the defendant say
11 about an internal investigation?

12 A. Nothing.

13 Q. In that meeting, did you or Mr. Auerbach mention anything
14 about an internal investigation?

15 A. No.

16 Q. Why did you not mention an internal investigation?

17 A. It never ran across my mind, never thought about an
18 internal investigation.

19 Q. In that meeting, what, if anything, did the defendant say
20 about him asking to be hired by Nike?

21 A. He never mentioned it.

22 Q. In that meeting, what, if anything, did the defendant say
23 about asking Nike to make any types of payments to him?

24 A. Nothing.

Avenatti Did Not Tell Franklin About His Scheme

K26dave5		Franklin - direct	1560	K26dave5		Franklin - direct	1561
1		with, he said, Well, I got a meeting with his boss. And he's		1		some sort of whistleblower or immunity, and we're going to get	
2		like, Oh, wow. He said -- Jeff said, Wow, or, How did you do		2		James and DeBose fired. And I think I can get you a million	
3		that? And he said, I'm Michael Avenatti. If I call a meeting,		3		dollars.	
4		they're going to meet with me.		4		Q. What did you understand the defendant to mean by	
5	Q. Is that how he	22	Q. What, if anything, did the defendant say he would try to				
6	am Michael Avenatti"	23	get for you at the meeting with Nike's lawyers?				you know,
7	A. Yes.	24	A. He said, Hey, in these orders, this is what -- this is what				community or,
8	Q. What, if anything	25	I'm going to get. We're going to first get you covered with				you
9	lawyers to get that						
10	A. He said, "I told						
11	Q. Are those the ex			12	Q. In that meeting, what, if anything else, did you ask the		
12	A. Yes, sir.						
13	Q. Did you understa	1	some sort of whistleblower or immunity, and we're going to get				le to get my
14	point?	2	James and DeBose fired. And I think I can get you a million				, after
15	A. Yes.	3	dollars.				ck with them.
16	Q. Why did you thin						try to get
17	point?						
18	A. Well, he said he was on the plane tonight, that night, and			18	your team back?		
19	was going to go and meet with the Nike attorneys on my behalf.			19	A. I'm sorry. Can you repeat that?		
20	So I thought that, hey, he was -- I felt pretty good that he			20	Q. Did the defendant say he wouldn't try to get your team		
21	was my -- my attorney.			21	back?		
22	Q. What, if anything, did the defendant say he would try to			22	A. No.		
23	get for you at the meeting with Nike's lawyers?			23	Q. Did the defendant explain why he did not think Cal Supreme		
24	A. He said, Hey, in these orders, this is what -- this is what			24	would get its sponsorship back?		
25	I'm going to get. We're going to first get you covered with			25	A. No.		
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*Gary Franklin,
Tr. 1560-1561*

Avenatti Did Not Tell Franklin About His Scheme

Summary of Phone Calls

GOVERNMENT
EXHIBIT
702
SI 18-CV-373 (PGG)

Date	Time EST/EDT	Participants	Duration	Exhibit #
March 1, 2019	5:26 p.m.	Avenatti, Auerbach	7 min 14 sec	GX 403, 430, 56
March 1, 2019	5:33 p.m.	Avenatti, Auerbach	5 sec	GX 403
March 1, 2019	5:34 p.m.	Avenatti, Auerbach	19 sec	GX 403
March 1, 2019	5:39 p.m.	Avenatti, Auerbach	2 min 9 sec	GX 403
March 1, 2019	8:08 p.m.	Avenatti, Auerbach	21 sec	GX 403
March 4, 2019	7:50 p.m.	Avenatti, Auerbach	5 min 51 sec	GX 403
March 10, 2019	9:11 p.m.	Avenatti, Auerbach	24 sec	GX 404
March 10, 2019	9:13 p.m.	Avenatti, Auerbach	4 min 39 sec	GX 404
March 13, 2019	11:00 a.m.	Geragos, Wilson	2 min 54 sec	GX 203 & 424
March 15, 2019	11:42 a.m.	Geragos, Wilson	7 min 34 sec	GX 203 & 424
March 15, 2019	9:01 p.m.	Avenatti, Auerbach	3 min 4 sec	GX 404
March 16, 2019	5:26 p.m.	Avenatti, Rebecca Ruiz	3 min 40 sec	GX 130 & 404
March 17, 2019	5:58 p.m.	Avenatti, Auerbach	11 min 21 sec	GX 404
March 18, 2019	12:13 p.m.	Avenatti, Auerbach	27 sec	GX 404
March 18, 2019	1:28 p.m.	Avenatti, Auerbach	4 sec	GX 404
March 19, 2019	3:34 p.m.	Avenatti, Auerbach	4 sec	GX 404
March 19, 2019	3:57 p.m.	Avenatti, Auerbach, Franklin	6 min 44 sec	GX 431, 404
March 19, 2019	6:55 p.m.	Geragos, Wilson	1 min 50 sec	GX 203 & 424
March 20, 2019	11:18 a.m.	Avenatti, Rebecca Ruiz	2min 28 sec	GX 404
March 20, 2019	3:59 p.m.	Geragos, Wilson	3 min 42 sec	GX 424, 3A, 510
March 20, 2019	4:50 p.m.	Geragos, Wilson	1 min 25 sec	GX 424, 4A
March 20, 2019	5:10 p.m.	Avenatti, Geragos, Wilson	20 min 46 sec	GX 424, 1A
March 21, 2019	3:37 p.m.	Avenatti, Auerbach, Franklin	9 min 16 sec	GX 412
March 23, 2019	9:14 p.m.	Avenatti, Franklin	2 min 33 sec	GX 401
March 25, 2019	11:54 a.m.	Avenatti, Franklin	5 min 2 sec	GX 401 & 410
March 25, 2019	12:08 p.m.	Avenatti, Rebecca Ruiz	38 sec	GX 130 & 401
March 25, 2019	12:09 p.m.	Avenatti, Rebecca Ruiz	1 min 18 sec	GX 130 & 401
March 25, 2019	12:17 p.m.	Avenatti, Rebecca Ruiz	3 min 34 sec	GX 401
March 25, 2019	12:46 p.m.	Avenatti, Auerbach	9 sec	GX 431

Avenatti Did Not Tell Franklin About His Scheme

K269AVE6 Franklin - Direct 1567

1 Q. On March 19, on the telephone call you had with the
2 defendant and Mr. Auerbach, in substance, what did the
3 defendant say on that call?
4 A. Well we asked him, you know, how did it go. He said he
5 thinks things went well and he told them they have a fucking
6 problem.
7 Q. Are those the exact words the defendant used?

1 Q. On March 19, on the telephone call you had with the
2 defendant and Mr. Auerbach, in substance, what did the
3 defendant say on that call?
4 A. Well we asked him, you know, how did it go. He said he
5 thinks things went well and he told them they have a fucking
6 problem.

20 A. Yes.
21 Q. Why would you have wanted to know who that person was?
22 A. I would have wanted to know who that person is so I can see
23 if, you know, if I had a good feel for who that person was. I
24 would have wanted to know him a little bit, talk to him, see
25 him.

Avenatti Did Not Tell Franklin About His Scheme

	K269AVE6	Franklin - Direct	1568
4	Q.	On that call, what, if anything, did the defendant say	
5		about holding a press conference?	
6	A.	Nothing.	
7	Q.	On that call, did you or Mr. Auerbach mention anything	
8		about holding a press conference?	
9	A.	No. Not at all.	
10	Q.	On that call, what, if anything, did the defendant say	
11		about an internal investigation?	
12	A.	Never mentioned.	
13	Q.	On that call, did you or Mr. Auerbach mention anything	
14		about an internal investigation?	
15	A.	No.	
16	Q.	On that call, what, if anything, did the defendant say	
17		about asking Nike to hire him or make any types of payments to	
18		him?	
19	A.	He did not.	

Gary Franklin, Tr. 1568

Avenatti Did Not Tell Franklin About His Scheme

Summary of Phone Calls					GOVERNMENT EXHIBIT 702 SI 19-CV-373 (PG)
Date	Time EST/EDT	Participants	Duration	Exhibit #	
March 1, 2019	5:26 p.m.	Avenatti, Auerbach	7 min 14 sec	GX 403, 430, 56	
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Avenatti Did Not Tell Franklin About His Scheme

MOBILITY										
2890942 01/12/2020		AT&T has queried for records from 03/01/2019 12:00:00am to 03/31/2019 11:59:59pm AT&T has queried for records using Eastern Time Zone. AT&T's records are stored and provided in UTC.								
Run Date: 01/12/2020 Run Time: 18:11:32										
Item	Conn. Date	Conn. Time (UTC)	Seizure Time	ET	Originating Number	Terminating Number	IMEI	IMEI	CT	Feature
908	03/21/19	19:38:49	0:03	8:27	13104209988	13106667890	3548310954958516 APPLE IPHONE8PLUS	310410096114680	MT	[NIOP:V CORR]
909	03/21/19	19:47:44	0:20	61:09	13106667890	13104209988	3548310954958516 APPLE IPHONE8PLUS	310410096114680	MO	[V CORR]
912	03/21/19	20:03:03	0:02	0:00	13106667890	13106662471			MT	[NIOP]
913	03/21/19	20:03:04	0:03	0:12	13106667890 16192040012 (F)	13106662471			MT	[NIOP:CFB:VM]
914	03/21/19	20:04:52	0:03	0:00	13106667890	13106668702			MT	[NIOP]
915	03/21/19	20:04:55	0:07	0:00	13106667890	13106668702			MT	[NIOP]
916	03/21/19	20:04:56	0:08	0:08	13106667890 16192040012 (F)	13106668702			MT	[NIOP:CFB:VM]
917	03/21/19	20:49:05	0:02	113:46	13104209988	13106667890	3548310954958516 APPLE IPHONE8PLUS	310410096114680	MT	[NIOP:V CORR]
918	03/21/19	22:51:40	0:06	5:26	13106667890	13109930236	3548310954958516 APPLE IPHONE8PLUS	310410096114680	MO	[V CORR]
919	03/21/19	22:51:40	0:06	5:26	13106667890	13109930236			MT	[NIOP:V CORR]
920	03/21/19	23:22:45	0:14	54:03	13106667890	13104209988	3548310954958516 APPLE IPHONE8PLUS	310410096114680	MO	[V CORR]
921	03/22/19	00:21:59	0:04	0:00	19072901734	13106667890	3548310954958516 APPLE IPHONE8PLUS	310410096114680	MT	[NIOP]
922	03/22/19	00:22:00	0:05	0:32	19072901734 12532190261 (F)	13106667890	3548310954958516 APPLE IPHONE8PLUS	310410096114680	MT	[NIOP:CFB:VM]
923	03/22/19	00:45:35	0:09	0:29	13109930236	13106667890	3548310954958516 APPLE IPHONE8PLUS	310410096114680	MT	[NIOP:V CORR]
924	03/22/19	00:45:35	0:09	0:29	13109930236	13106667890			MO	[V CORR]
925	03/22/19	01:50:45	0:12	14:16	13106667890	13108245013	3548310954958516 APPLE IPHONE8PLUS	310410096114680	MO	[V CORR]

GOVERNMENT
EXHIBIT
431

S1 19 Cr. 373 (PGG)

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Avenatti Did Not Tell Franklin About His Scheme

K269AVE6		Franklin - Direct	1569	K269AVE6		Franklin - Direct	1570
1	A.	Mr. Avenatti.		1	Q.	What, if anything, did the defendant say about next steps?	
2	Q.	Were you	19	Q.	In substance, what did the defendant say on that call?		until Monday and we
3		had more to s					
4	A.	Absolutel	20	A.	He said I think things are going well and I told them I'm		our understanding
5	Q.	On that c					
6		about next st	21		not fucking around with this.		what they were going
7	A.	He said t					
8		couple of day	22	Q.	Are those the exact words the defendant used?		anything to you about
9	Q.	What, if	23	A.	Yes, it is.		d at the meeting on
10		of the next m					
11	A.	He did no	24	Q.	Did the defendant explain what he meant by going well?		anything about whether
12	Q.	After tha					u?
13		defendant?	25	A.	No.		
14	A.	Thursday,					
15	Q.	How did you speak to the defendant?		15	Q.	On that call, did you ask the defendant precisely what	
16	A.	By phone.	1	Q.	What, if anything, did the defendant say about next steps?		s?
17	Q.	Who was o					
18	A.	Jeff, Mr.	2	A.	He said that they want us to give them until Monday and we		esely what happened at
19	Q.	In substa					
20	A.	He said I	3		should know something, an answer by Monday.		ing well and so I
21		not fucking around with this.					
22	Q.	Are those the exact words the defendant used?		21		just trusted him as my lawyer.	
23	A.	Yes, it is.		22	Q.	Based on your conversations and meetings with the defendant	
24	Q.	Did the defendant explain what he meant by going well?		23		up to that point and including that call, what did you think	
25	A.	No.		24		Nike was going to decide about on Monday?	
				25	A.	Well I thought that they would decide about the things that	
SOUTHERN DISTRICT REPORTERS, P.C. (212) 805-0300				SOUTHERN DISTRICT REPORTERS, P.C. (212) 805-0300			

Gary Franklin,
Tr. 1569-1570

Avenatti Did Not Tell Franklin About His Scheme

Summary of Phone Calls

GOVERNMENT
EXHIBIT
702
SI 19-CV-373 (PGG)

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Avenatti Did Not Tell Franklin About His Scheme

K269AVE6		Franklin - Direct	1577	K269AVE6		Franklin - Direct	1578
1	A.	I thought that he had asked Nike to look into Carlton		1		about asking Nike to hire him or make any types of payments to	
2	DeBose and Ja	19	Q. On that call, what, if anything, did the defendant say				
3	I ha	20	about holding a press conference?			defendant say	
4	sponsorship b	21	A. Absolutely nothing.			on him being hired	
5	And	22	Q. On that call, what, if anything, did the defendant say			use topics?	
6	also talk abo	23	about an internal investigation?			?	
7	million dolla	24	A. Nothing at all.				
8	And	25	Q. On that call, what, if anything, did the defendant say				
9	the authoriti						
10	Q. On that c						
11	about Nike's						
12	A. He did no						
13	Q. On that c						
14	about whether Nike had made a counteroffer?			14	Q. Were you available to continue speaking to the defendant if		
15	A. Never men	1	about asking Nike to hire him or make any types of payments to				
16	Q. On that c	2	him?			What did you do	
17	about getting	3	A. Never mentioned it.			ly to go to the gym	
18	A. Never tal	4	Q. On that call, what, if anything, did the defendant say			downstairs and I	
19	Q. On that c	5	about making a settlement for you dependent on him being hired			and I heard the	
20	about holding	6	or paid by Nike?			bit and heard the	
21	A. Absolutel	7	A. Nothing.			to walk towards	
22	Q. On that c					it, stepson had	
23	about an inte					and so I turned	
24	A. Nothing a						
25	Q. On that c						

Gary Franklin,
Tr. 1577-1578

Franklin Did Not Want a Press Conference

K26dave5 Franklin - direct 1542

1 A. Get me covered as far as like some whistleblower or
2 something of that nature.
3 Q. At that time, what, if anything, were you concerned about?
4 A. I mean, I was concerned about, you know, having -- getting
5 my team back. That was -- that was the big focus, and also,
6 you know, trying to find out to see if I had any, you know,

14 A. It's just something that I, you know, I started, I built
15 from, you know, just from the ground. I worked real hard in
16 doing it and maintaining it as something I really love doing,
17 and just real passionate about helping, you know, helping kids.
18 And, you know, I created, I thought -- you know, I created a
19 brand and a basketball program where people, you know, kids can
20 come in and play basketball and have someplace to play. That
21 meant -- that meant a lot to me.

22 Q. Why was it important to you to be reinstated with Nike
23 specifically?
24 A. Because I felt that, you know, Nike, you know, I had a long
25 lasting relationship with Nike, and it was, you know, it was

Franklin Did Not Want a Press Conference

1547

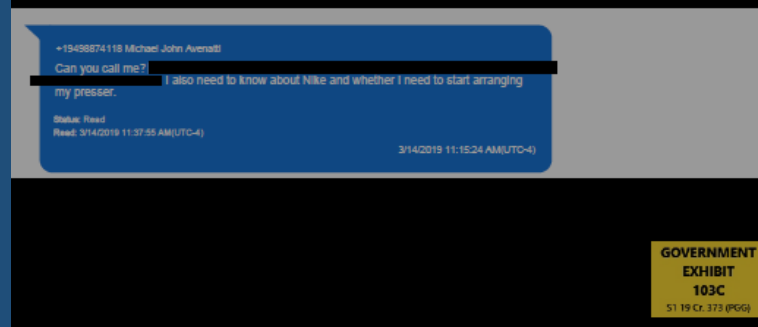
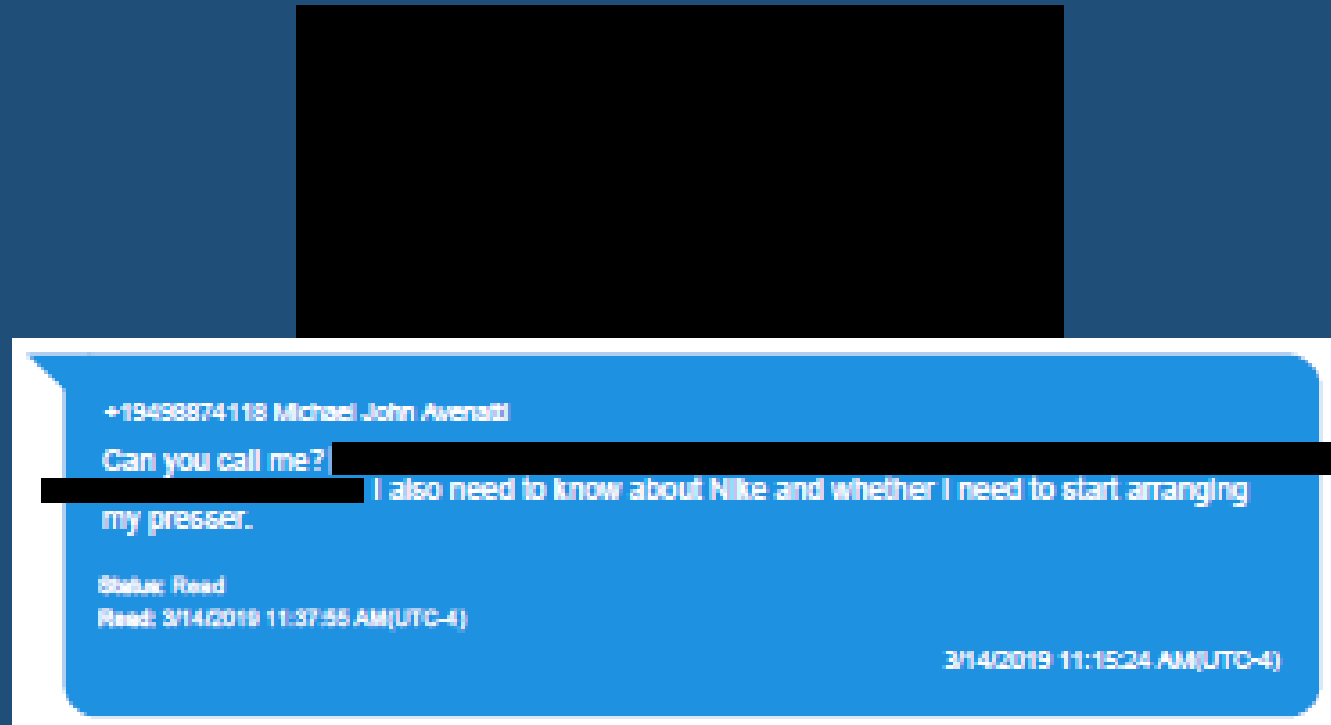
K26dave5 Franklin - direct

1 A. Well, my reputation. You know, if it's out in the public
2 of, you know, these things being done and said, it could, you
3 know, potentially hurt my -- my reputation.
4 Q. What, if anything, was your concern about the players you
5 mentioned if this were made public?
6 A. I mean, they're kids. I -- I know these kids, you know,
7 I've coached them, worked with them in the gym. I mean,

6 A. I mean, they're kids. I -- I know these kids, you know,
7 I've coached them, worked with them in the gym. I mean,
8 they're 16/17-year-old kids. I mean, I definitely would not
9 want those kids hurt, their names being brought up, you know.
10 It bothers me.

20
21
22
23
24
25

Avenatti Was Going to Hold a Press Conference If His Scheme Failed



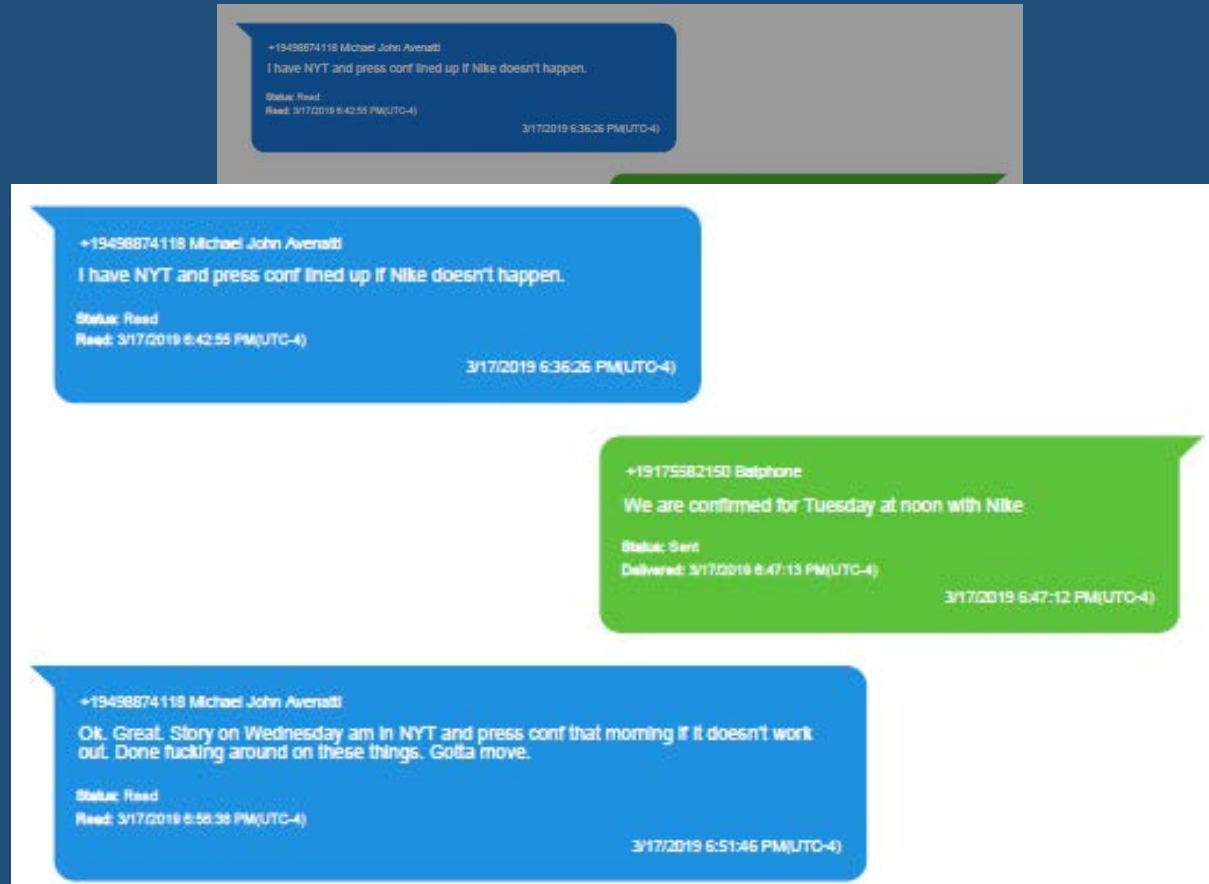
Avenatti Did Not Tell Franklin About His Scheme

Summary of Phone Calls

GOVERNMENT
EXHIBIT
702
SI 18 D. 373 (PGQ)

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Avenatti Was Going to Hold a Press Conference If His Scheme Failed



Avenatti Was Going to Hold a Press Conference If His Scheme Failed

“Avenatti: I’m not fucking around with this, and I’m not continuing to play games. And I don’t-you know, this isn’t complicated. You guys know enough now to know you’ve got a serious problem. And it’s worth more in exposure to me to just blow the lid on this thing. A few million dollars doesn’t move the needle for me. I’m just being really frank with you.”
(GX 1T: 14)



Avenatti Was Going to Hold a Press Conference If His Scheme Failed

“Avenatti: I’m not fucking around with this, and I’m not continuing to play games. And I don’t-you know, this isn’t complicated. You guys know enough now to know you’ve got a serious problem. And it’s worth more in exposure to me to just blow the lid on this thing. A few million dollars doesn’t move the needle for me. I’m just being really frank with you.”
(GX 1T: 14)



Avenatti Was Going to Hold a Press Conference If His Scheme Failed

K269AVE6		Franklin - Direct	1579	K269AVE6		Franklin - Direct	1580
1	around and went	20	A. I said: Hey, the FBI just showed up at my door. What's				
2	then I kind of	21	going on?				
3	started to --	22	Q. In substance, how did the defendant respond?				
4	the door closed	23	A. He said the FBI is at your door now? OK. Well, turn your				that call about
5	who's that at	24	phone completely off. And don't talk to them. I hope Nike is				when he said: I
6	were here from	25	not trying to fuck you.				think I'm going
7	Q. What did y						I could say
8	was at your do						
9	A. I mean I i						
10	Mr. Avenatti.						
11	Q. Why did yo	1	Q. Are those the precise words he used?				said these
12	A. He was my	2	A. Yes.				trayed.
13	Q. At that ti	3	Q. What happened after he said that?				is to -- why is
14	your behalf?	4	A. He hung the phone up.				like to me that
15	A. Yes.	5	Q. What, if anything, did the defendant say on that call about				point.
16	Q. Did the de	6	going public?				when the
17	A. I believe	7	A. Well, he -- yeah, he said that, you know, when he said: I				public, I was
18	Q. In substan	8	hope Nike's not trying to fuck you, he said I think I'm going				him to go public
19	call?	9	to go public and hung the phone up. And before I could say				the phone after
20	A. I said: He	10	anything or respond he hung the phone up.				
21	going on?						
22	Q. In substan						
23	A. He said th						
24	phone complete						
25	not trying to						

Gary Franklin,
Tr. 1579-1580

Avenatti Was Going to Hold a Press Conference If His Scheme Failed

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March 18, 2019	1:28 p.m.	Avenatti, Auerbach	4 sec	GX 404
March 19, 2019	3:34 p.m.	Avenatti, Auerbach	4 sec	GX 404
March 19, 2019	3:35 p.m.	Avenatti, Franklin	51 sec	GX 404 & 440
March 19, 2019	3:57 p.m.	Avenatti, Auerbach, Franklin	6 min 44 sec	GX 431, 404
March 19, 2019	6:55 p.m.	Geragos, Wilson	1 min 50 sec	GX 203 & 424
March 20, 2019	11:18 a.m.	Avenatti, Rebecca Ruiz	2min 28 sec	GX 404
March 20, 2019	3:59 p.m.	Geragos, Wilson	3 min 42 sec	GX 424, 3A, S10
March 20, 2019	4:50 p.m.	Geragos, Wilson	1 min 25 sec	GX 424, 4A
March 20, 2019	5:10 p.m.	Avenatti, Geragos, Wilson	20 min 46 sec	GX 424, 1A
March 21, 2019	3:37 p.m.	Avenatti, Auerbach, Franklin	9 min 16 sec	GX 412
March 23, 2019	9:14 p.m.	Avenatti, Franklin	2 min 33 sec	GX 401

March 25, 2019	12:08 p.m.	Avenatti, Rebecca Ruiz	38 sec	GX 130 & 401
March 25, 2019	12:09 p.m.	Avenatti, Rebecca Ruiz	1 min 18 sec	GX 130 & 401
March 25, 2019	12:17 p.m.	Avenatti, Rebecca Ruiz	3 min 34 sec	GX 401

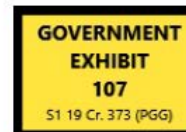
Avenatti Was Going to Hold a Press Conference If His Scheme Failed



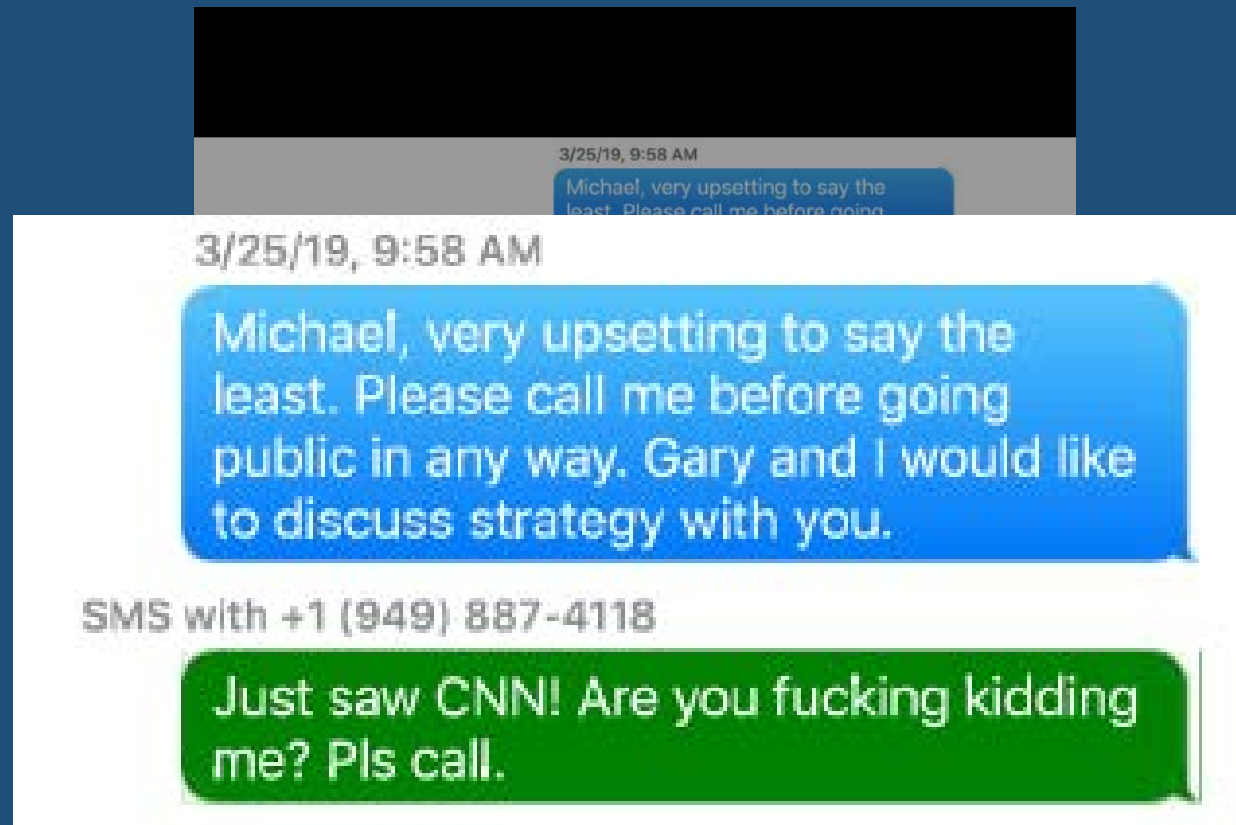
Michael Avenatti 
@MichaelAvenatti

Tmrw at 11 am ET, we will be holding a press conference to disclose a major high school/college basketball scandal perpetrated by @Nike that we have uncovered. This criminal conduct reaches the highest levels of Nike and involves some of the biggest names in college basketball.

12:16 PM · Mar 25, 2019 · [Twitter for iPhone](#)



Avenatti Was Going to Hold a Press Conference If His Scheme Failed



What the Defense Told You

KLTMAVE3 Opening - Mr. H. Srebnick 176
1 Auerbach since then. You can imagine how those two men reacted
2 when they found out that Avenatti was arrested. They, of
3 course, became worried because they saw the media.
4 And you will likely find out that their testimony may
5 change since they met with Mr. Avenatti. And this courtroom

1 You can imagine how those two men reacted
2 when they found out that Avenatti was arrested. They, of
3 course, became worried because they saw the media.
4 And you will likely find out that their testimony may
5 change since they met with Mr. Avenatti. And this courtroom
6 will be a fight for credibility. It will be a search for the
7 truth by you. Your job will be to watch them as they testify
8 and compare what they say now to what they said back then,

23 not the Department of Justice, the SEC is looking into the same
24 evidence. Whatever the Department of Justice got from Nike has
25 been turned over to the SEC.

Three Simple Reasons You Know the Defendant Is Guilty

1. The Defendant's Own Words
2. Gary Franklin's Testimony
3. Common Sense

Avenatti Had a Conflict of Interest

312

KIUMAVE4 Wilson - Direct

1 Can you explain why it would be unusual or why would
2 it be surprising to you to hire an adverse party as your
3 lawyer?
4 MR. H. SREBNICK: Objection, your Honor. Relevance.
5 THE COURT: Overruled.

8 Generally, because there are conflicts rules that mean
9 that if you are a lawyer acting in someone's interest, you
10 can't act for someone with adverse interests because how would
11 you be loyal to both clients at the same time. I thought it
12 was a very bizarre thing in general to suggest -- I never heard
13 of it, that I'm adverse to you, but I can also represent you in
14 a tense, high-profile, problematic criminal investigation.

21 unusual in a criminal investigation, unheard of, and sometimes
22 the Department of Justice objects, if a defense lawyer
23 represents two unrelated parties who may be caught up in the
24 same criminal investigation.
25 MR. PODOLSKY: Why don't we go ahead and continue with

Avenatti Had a Conflict of Interest

1156

K25dave2 Leinwand - direct

1 going to have this press conference and we're going to do

2 significant damage to your company. And what Mr. Avenatti was

3 asking to do was to be our lawyer, and he was already

4 representing a party that was potentially going to sue us, so

2 significant damage to your company. And what Mr. Avenatti was

3 asking to do was to be our lawyer, and he was already

4 representing a party that was potentially going to sue us, so

5 he had a conflict of interest there. But at the same time, you

6 know, he was asking to be sort of our objective advisor while

7 telling us he was going to destroy the company. So it is the

8 same as if somebody said you own a store and they walk into

9 your store and they mess it up and they say you need

10 protection, you have to hire me to protect you. And then you

11 say who are you going to protect us from, and they say me.

23 sense.

24 Q. How did you feel when Mr. Avenatti presented that second

25 proposal or demand?

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Robert Leinwand, Tr. 1156

Avenatti Had a Conflict of Interest

747

K23dave4a Auerbach - direct

1 Q. Why did you not mention Nike making payments to the
2 defendant in that meeting?
3 A. It would be a total --
4 MR. QUINON: Objection.
5 THE COURT: Overruled.
6 A. It would be a total conflict of interest and totally
7 detrimental, again, to Gary's goals and Gary.
8 Q. Why would it be detrimental to Gary or Gary's goals?
9 MR. QUINON: Objection, your Honor.
10 THE COURT: Overruled.

6 A. It would be a total conflict of interest and totally
7 detrimental, again, to Gary's goals and Gary.

16 THE COURT: Yes.
17 THE COURT: Yes.
18 (Continued on next page)
19
20
21
22
23
24
25

Avenatti Had a Conflict of Interest

K269AVE6 Franklin - Direct 1572

1 defendant was making a settlement for you dependent on him
2 getting hired by Nike?
3 A. Yes.
4 Q. If the defendant had done that, would that have mattered to
5 you?

8 A. Because I went to him to settle my case and not for him to
9 workout some other deal. I thought it might have been a
10 conflict, like, you know, wanted him to focus on, you know,
11 what I went to him for.

12 Q. What do you mean by it might have been a conflict?

13 A. Well, he's making out some sort of, you know, other payment
14 or deal with -- for him with Nike while he's working for me. I

21 had more to say or discuss?
22 A. Absolutely.
23 Q. By the way, on that call what, if anything, did the
24 defendant say about posting on Twitter?
25 A. Nothing.

Avenatti Had a Conflict of Interest

1 investigation anyway, but lemme just say this,
2 okay? I don't think that it makes any sense for
3 Nike to be paying, um, an exorbitant sum of money
4 to Mr. Franklin, in light of his role in this.
5 WILSON: Okay.
6 AVENATTI: I mean, imagine that.
7 WILSON: What-here's what I'm struggling with. As I've

2 okay? I don't think that it makes any sense for
3 Nike to be paying, um, an exorbitant sum of money
4 to Mr. Franklin, in light of his role in this.
5 WILSON: Okay.
6 AVENATTI: I mean, imagine that.

20 AVENATTI: I have to say, I um, with claims this explosive
21 I've never sat down with the defendant before, I
22 usually just go directly to the New York Times
23 and have a press conference-

Three Simple Reasons You Know the Defendant Is Guilty

1. The Defendant's Own Words
2. Gary Franklin's Testimony
3. Common Sense

Three Simple Reasons You Know the Defendant Is Guilty

1. The Defendant's Own Words
2. Gary Franklin's Testimony
3. Common Sense

Bonus: Crushing Debt

Avenatti Had Crushing Debt

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

MICHAEL AVENATTI,

Defendant.

IT IS HEREBY STIPULATED AND

America, by Geoffrey S. Berman, United States

Matthew D. Podolsky, Daniel C. Richenthal, and

Attorneys, of counsel, and MICHAEL AVENATTI,

Srebnick, Esq., Jose M. Quiñon, Esq., E. Danya

1. On October 22, 2018, a civil order

County of Orange, against Michael Avenatti, the

that totaled approximately \$2,219,669.60 as of

March 25, 2019.

2. On October 26, 2018, a civil judgment

California, County of Santa Barbara, against Michael

to pay \$2,194,301.87, which remained outstanding

3. On November 20, 2018, a civil judgment

State of California, County of Los Angeles—Central District,

defendant, requiring Avenatti to pay \$5,054,287.75,

2019.

1. On October 22, 2018, a civil order was entered in the Superior Court of California, County of Orange, against Michael Avenatti, the defendant, requiring Avenatti to pay amounts that totaled approximately \$2,219,669.60 as of March 1, 2019, and remained outstanding as of March 25, 2019.

2. On October 26, 2018, a civil judgment was entered in the Superior Court of California, County of Santa Barbara, against Michael Avenatti, the defendant, requiring Avenatti to pay \$2,194,301.87, which remained outstanding as of March 25, 2019.

3. On November 20, 2018, a civil judgment was entered in the Superior Court of the State of California, County of Los Angeles—Central District, against Michael Avenatti, the defendant, requiring Avenatti to pay \$5,054,287.75, which remained outstanding as of March 25, 2019.

4. On January 4, 2019, a civil order was issued by the State of Washington requiring Michael Avenatti, the defendant, to pay \$1,530,216.07, which remained outstanding as of March 25, 2019.

5. The above-referenced judgments represented separate obligations of Michael Avenatti, the defendant.

issued by the State of Washington requiring

07, which remained outstanding as of March

represented separate obligations of Michael

EED that this stipulation may be received into

GEORGE S. BERMAN

States Attorney

in District of New York

Matthew D. Podolsky

Matthew D. Podolsky

D. C. Richenthal

B. Sobelman

United States Attorneys

MICHAEL AVENATTI

Michael Avenatti

Michael A. Srebnick, Esq.

J. Quiñon, Esq.

E. Danya Perry, Esq.

Michael Avenatti

Attorneys for Michael Avenatti

Avenatti Had Crushing Debt

K26dave1 Regnier - direct 1405
1 A. I believe I only saw Michael in person one time during

24 A. Michael had indicated that he was working on something that
25 could potentially provide us a way to kind of clear the deck of

7 Q. Why were you frequently discussing the law firm's
8 financials?
9 A. Because we didn't have sufficient funds to pay the bills.

1 what was owed and start a new firm.

12 firm's finances with anyone else?
13 A. No.
14 Q. Why not?
15 A. I had direct instructions from Michael, and always had,
16 that I was not to discuss the firm's financials with anyone
17 else other than him.
18 Q. Between March 15, 2019 and March 25, 2019, approximately
19 how often did you speak with the defendant?
20 A. Almost every day.
21 Q. What, if anything, did the defendant say during those
22 conversations about a substantial and imminent potential source
23 of income?
24 A. Michael had indicated that he was working on something that
25 could potentially provide us a way to kind of clear the deck of

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K26dave1 Regnier - direct 1406
1 what was owed and start a new firm.

7 A. He -- Michael had said -- we had multiple conversations
8 every day, always had, and he had said that if, you know, we
9 could start a new firm and then he would be able to start a

12 potential source of income that he told you about?
13 A. It was upbeat. He -- it was positive. It was kind of like
14 he saw the light at the end of the tunnel.
15 Q. In those conversations, what, if anything, did the
16 defendant say about an internal investigation?
17 A. We had multiple conversations during the days, and he said
18 something having to do with an in-house or internal
19 investigation, but I don't remember the specifics.
20 Q. During those conversations, what, if anything, did the
21 defendant say about a client?
22 A. I don't recall him mentioning a specific client.
23 MR. SOBELMAN: No further questions.
24 THE COURT: All right.
25 MS. PERRY: Your Honor, may we have just a moment to

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*Judy Regnier,
Tr. 1569-1570*

Avenatti Had Crushing Debt

K26dave1 Regnier - direct 1406

1 what was owed and start a new firm.

2 Q. What did you understand him to mean by "clear the deck"?

3 A. To resolve a lot of the debt that had currently been

4 hanging over the law firm and basically --

5 Q. What, if anything, did he say about how he wanted to live

7 A. He -- Michael had said -- we had multiple conversations

8 every day, always had, and he had said that if, you know, we

9 could start a new firm and then he could -- he would be able to

10 live his life as he wanted to live it.

11 Q. What was the defendant's tone as he was discussing that

12 potential source of income that he told you about?

13 A. It was upbeat. He -- it was positive. It was kind of like

14 he saw the light at the end of the tunnel.

23 MR. SOBELMAN: No further questions.

24 THE COURT: All right.

25 MS. PERRY: Your Honor, may we have just a moment to

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Judy Regnier, Tr. 1406

Three Simple Reasons You Know the Defendant Is Guilty

1. The Defendant's Own Words
2. Gary Franklin's Testimony
3. Common Sense

Bonus: Crushing Debt

Defense Arguments

1. The Nike Did Bad Things Defense
2. The Three Questions Defense
3. The Text Message Defense
4. The Scott Wilson Came Up With It Defense
5. The Blame the Victim Defense

Defense Arguments

1. The Nike Did Bad Things Defense
2. The Three Questions Defense
3. The Text Message Defense
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Defense Arguments

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The Three Questions Defense

Question 1:

Is this a case of rogue executives Carlton DeBose & James James committing egregious criminal acts on their own, or was Nike, a fortune 100 company, complicit in the corruption?

Question 2:

Is Nike a company which tolerates workplace bullying and abuse by its senior executives?

Question 3:

Is Nike's enterprise, Nike EYB ("the Racket") guilty of racketeering, having committing acts of fraud, bribery, coercion, conspiracy, illegal cash payments, wire fraud, mail fraud, bank fraud, money laundering, etc.?

USA0373_00024871
FRANKLIN0081



GOVERNMENT
EXHIBIT
311
S1 19 Cr. 373 (PGG)



Defense Arguments

1. The Nike Did Bad Things Defense
2. The Three Questions Defense
3. The Text Message Defense
4. The Scott Wilson Came Up With It Defense
5. The Blame the Victim Defense

The Text Message Defense

Jeffrey Auerbach - Hudson 2020

We will appeal to their sense of justice and duty. Also the opportunity to really fight the next fuse (Racketeering) in the Sneaker Company Scandal, and answer a BIG question which NIKE will not want asked, WHY HASNT THE DOJ INDICT EXECs AT NIKE WHO COMMITTED THE SAME CRIMES?!! WHY JUST ADIDAS?! There's a lot at play here for a guy like Avenatti. I feel very bad John and Nike wasn't proactive and reached out to you. It forces me to devise a strategy that goes after Nike, which I NEVER intended or wanted to do. But now they are forcing the issue and acting very badly. I can only hope once we contact their Lawyer they pony up and do the right thing, get rid of the crooks, etc. If not, they need to be exposed. And if for some strange reason the FBI and DOJ aren't pursuing them like Adidas—then the question needs to be asked in a big way—WHY?

Status: Read
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2/14/2019 2:27:32 PM(UTC-8)

Status: Read
Read: 2/14/2019 2:30:26 PM(UTC-8)

2/14/2019 2:27:32 PM(UTC-8)

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Logfile (1)

Defense
Exhibit
FF1
S1 19 Cr. 373(PGG)

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FF-FRANKLIN0921

Defense Arguments

1. The Nike Did Bad Things Defense
2. The Three Questions Defense
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4. The Scott Wilson Came Up With It Defense
5. The Blame the Victim Defense

The Scott Wilson Defense

1426

K269AVE2 Homes - Direct

1 didn't hire him and Mr. Geragos to conduct the work they still
2 would have to pay him and Mr. Geragos twice the amount of money
3 that they paid in the other law firm to actually do the work.
4 Q. How, if at all, did he explain why Nike should pay twice
5 the amount of money to him and Mr. Geragos if Nike hired
6 someone else?
7 A. He didn't explain why we would have to include that clause.
8 Q. Do you recall anyone in the meeting saying something like

19 A. He certainly made insinuations that it was going to be a
20 costly investigation. I think at one point he said whatever it
21 costs, it costs. He referred to a big downstroke. All these
22 things, to me, meant it was going to be a costly investigation.

19 A. He certainly made insinuations that it was going to be a
20 costly investigation. I think at one point he said whatever it
21 costs, it costs. He referred to a big downstroke. All these
22 things, to me, meant it was going to be a costly investigation.
23 Q. Let me just take those one at a time. I think you just
24 said he said whatever it costs, it costs?
25 A. Yeah. He said something to that effect, yes.

The Scott Wilson Defense

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9 WILSON:
10 AVENATTI:
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13 WILSON:
14 AVENATTI:
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22
23
24 WILSON:
25 AVENATTI:

18 me to just blow the lid on this thing. A few
19 million dollars doesn't move the needle for
20 me. I'm just being really frank with you. So
21 if that's what, if that's what is being
22 contemplated, then let's just say it was
23 good to meet you, and we're done. And I'll
24 proceed with my press conference tomorrow
25 and I'll hang up with you now and I'll call

1 the New York Times, who are awaiting my
2 call. I-I'm not fucking around with this
3 thing anymore. So if you guys think that you
4 know, we're gonna negotiate a million five,
5 and we're gonna, you're gonna hire us to do
6 an internal investigation, but it's gonna be
7 capped at 3 or 5 or 7 million dollars, like
8 let's just be done.

es, who are awaiting my
fucking around with this
So if you guys think that you
a negotiate a million five,
you're gonna hire us to do
estigation, but it's gonna be
or 7 million dollars, like
one.
ear you-
I'll go take and I'll go
a dollars off your client's
I'm not fucking around.
you, you did put a number-
No I don't think you do. I don't think you
I think, I think maybe you
don't think you're listening.
nk you understand the
hat I'm talking about. You
a lot of information the
know that this is what
now these guys work for your
w that. The documents don't

The Scott Wilson Defense

1 GERAGOS: [LAUGHTER]
2 WILSON: But I-I understand- the two scenarios. There's
3 the 1.5, plus the internal investigation and
4 the parameters you described, or 22 and the-
5 AVENATTI: And a half.
6 GERAGOS: [LAUGHTER]
7 WILSON: It's gone up -
8 AVENATTI: No it's 22 and a half. It was always 22 and a
9 half, there's something magical about that

8 AVENATTI: No it's 22 and a half. It was always 22 and a
9 half, there's something magical about that
10 number.

17 court at 9, I'll be back up here - could we
18 just do noon, are you okay with that?
19 AVENATTI: Yeah that's fine.
20 GERAGOS: Are you good with that? Yeah? Monday at noon?
21 AVENATTI: So look, this is not-
22 WILSON: Now we said my offices-
23 AVENATTI: Listen that's right, listen this is not an

Defense Arguments

1. The Nike Did Bad Things Defense
2. The Three Questions Defense
3. The Text Message Defense
4. The Scott Wilson Came Up With It Defense
5. The Blame the Victim Defense

The Blame the Victim Defense

K25dave4		Leinwand - cross	1239
1	Q.	OK. So that's Nike's policy, right? But -- yes? That's	
2		Nike's policy.	
3	A.	That's right.	
4	Q.	But it is Nike's policy that you saw any conflict, did you?	
5		has represented Nike.	
6	MR.		
7	THE		
8	BY MS. PERRY:		
9	Q.	In your opinion, was it evident to him as him being a	
10		you ever been in a situation where you saw a conflict of	
11		litigated against Nike?	
12	MR. RICHENTHAL:	Objection. Relevance.	
13	MS.		
14	BY MS. PERRY:		
15	Q.	So, Mr. Wilson, was it evident to him as him being a	
16		internal policy of Nike that you saw any conflict, did you?	
17	THE COURT:	Sustained.	
18	Q.	Did you tell Mr. Avenatti and Mr. Geragos that Nike had the	
19		policy that you just described?	
20	A.	No.	
21	Q.	In fact, you didn't tell him at any time during the meeting	
22		that you saw any conflict, did you?	
23	A.	I would think it would be evident to him as him being a	
24		lawyer, that he was representing a party that was threatening	
25		to sue us. Any lawyer should know there was a conflict of	
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K25dave4		Leinwand - cross	1240
1		interest there, unless he had received a waiver previously for	
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Robert Leinwand,
Tr. 1239-1240

The Blame the Victim Defense

K279AVE5 Franklin - Cross 1773

1 Q. Did you ask Mr. Avenatti for additional details?

2 A. No. I mean I trusted him. I thought, you know, that's why

3 I went to him, he's my lawyer, he's the professional, I went to

4 him, so that's -- no.

5 Q. You told him what your objectives were. He told you what

6 he was going to ask for. And you sent him on his way, pretty

7 much what happened?

8 THE COURT: Sustained.

1 Q. Did you ask Mr. Avenatti for additional details?

2 A. No. I mean I trusted him. I thought, you know, that's why

3 I went to him, he's my lawyer, he's the professional, I went to

4 him, so that's -- no.

19 Q. And your testimony I believe yesterday about that call was

20 that Mr. Avenatti told you that he expected an answer from Nike

21 on the following Monday, correct?

22 A. On the upcoming Monday, yes.

23 Q. Monday, right.

24 And did you say anything on that call?

25 A. On the Thursday.

Avenatti Committed Honest Services Fraud

Avenatti Committed Honest Services Fraud

1. The Defendant Owed Gary Franklin Duties of Loyalty, Confidentiality, and Reasonable Communication

Avenatti Committed Honest Services Fraud

1. The Defendant Owed Gary Franklin Duties of Loyalty, Confidentiality, and Reasonable Communication
2. The Defendant Solicited Quid Pro Quo Payments

Avenatti Solicited Quid Pro Quo Payments

“Avenatti: I’m not fucking around with this, and I’m not continuing to play games. And I don’t-you know, this isn’t complicated. You guys know enough now to know you’ve got a serious problem. And it’s worth more in exposure to me to just blow the lid on this thing. A few million dollars doesn’t move the needle for me. I’m just being really frank with you. So if that’s what, if that’s what is being contemplated, then let’s just say it was good to meet you, and we’re done. And I’ll proceed with my press conference tomorrow and I’ll hang up with you now and I’ll call the New York Times, who are awaiting my call. I-I’m not fucking around with this thing anymore.”

(GX 1T: 4-5)



Avenatti Solicited Quid Pro Quo Payments

“Avenatti: I’m not fucking around with this, and I’m not continuing to play games. And I don’t-you know, this isn’t complicated. You guys know enough now to know you’ve got a serious problem. And it’s worth more in exposure to me to just blow the lid on this thing. A few million dollars doesn’t move the needle for me. I’m just being really frank with you. So if that’s what, if that’s what is being contemplated, then let’s just say it was good to meet you, and we’re done. And I’ll proceed with my press conference tomorrow and I’ll hang up with you now and I’ll call the New York Times, who are awaiting my call. I-I’m not fucking around with this thing anymore.”

(GX 1T: 4-5)



The Charges

Count One: Transmission of Interstate Communications
with Intent to Extort

Count Two: Attempted Extortion

Count Three: Honest Services Wire Fraud

Venue

The Charges

Count One: Transmission of Interstate Communications
with Intent to Extort

Count Two: Attempted Extortion

Count Three: Honest Services Wire Fraud

Venue

Count One: Interstate Communication

Franklin, that were made at or near the time of their creation by, or from information transmitted by, a person with knowledge of the matters set forth in the records, and that were made and kept in the course of a regularly conducted business activity of Sprint as a regular practice of that activity.

3. If called to testify, a representative of AT&T would testify that:

a. Government Exhibits 420 through 424 consist of true and correct copies of telephone records for the cellphone number 917-558-2150, with the user name Mark Geragos, that were made at or near the time of their creation by, or from information transmitted by, a person with knowledge of the matters set forth in the records, and that were made and kept in the course of a regularly conducted business activity of AT&T as a regular practice of that activity.

b. Throughout the day on March 20, 2019, the cellphone using the call number 917-558-2150 was located in or around Miami, Florida.

with knowledge of the matters set forth in the records, and that were made and kept in the course of a regularly conducted business activity of AT&T as a regular practice of that activity.

Count One: Interstate Communication

SYNOPSIS:
Out: [REDACTED] 2124462370_03-20-2019_051037PM.wav

Record_ID:1274205
Account_Number:2124462370
Op_Username:[REDACTED]
Op_Handler:magalicia
CaseID:196D-NY-3077564
CallingName:
CallerID:6469578102
CalledNum:9175582150
DNIS:7036306600
CID_StartTime:17:09:32
StartDate:03/20/19
StopDate:
Machine_StartTime:17:09:32
Machine_StopTime:17:31:24
CallDuration:1312
SpoofedNum:6469578102
PostCutThru:
CallDirection:Out
Header:
Record-Out: [REDACTED] 2124462370_03-20-2019_051037PM.wav
Language:english
Office_Name:NewYork
DB_InsertTime:3/20/2019 5:31:24 PM
Downloaded:
Download_Time:
Downloaded_Header:no
Download_Header_Time:
Downloaded_Record:yes
Download_Record_Time:3/21/2019 4:07:17 AM
Hash_Header:
Hash_Record:2087d2233ecbee6a8aa75a26d1068aaf
timeslot:1
Insight:1
DeliveryStatus:3
LiveOp_Live:0
PK_Dummy:
PurgeDate:
iPreviewDelivery:1
Hybrid_Status:1

GOVERNMENT
EXHIBIT
1A
51-19, Ct. 373 (PGG)

The Charges

Count One: Transmission of Interstate Communications with Intent to Extort

Count Two: Attempted Extortion

Count Three: Honest Services Wire Fraud

Venue

The Charges

Count One: Transmission of Interstate Communications with Intent to Extort

Count Two: Attempted Extortion

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Venue

The Charges

Count One: Transmission of Interstate Communications with Intent to Extort

Count Two: Attempted Extortion

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Venue

United States of America

v.

Michael Avenatti

S1 19 Cr. 373 (PGG)